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October 10, 2003

By Facsimile

Thomas Andersen, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 5238

Dear Mr. Andersen:

The undersigned represents Committee to Elect Charles Walker and Lourdes Gomez, as Treasurer ("Walker campaign"), in the above-referenced MUR. In this matter, the Walker campaign has accepted contributions of \$5,000 each the PAC to the Future and Team Majority. Each of these committees was registered as multi-candidate committees with the Federal Election Commission. In November 2002, the National Legal and Policy Center alleged that PAC to the Future and Team Majority were affiliated, and therefore, contributions by these to PACs were to be aggregated for purposes of contribution limits to federal candidates. The Walker campaign was not named as a Respondent in that complaint nor were they provided any other notice of the complaint by the FEC.

In September 2003, the Walker campaign received notice from your office that the FEC has found "reason to believe" that it had violated the Federal Election Campaign Act and FEC regulations by failing to refund this excessive contribution within 60 days of receipt or discovery of potential excessive nature of these contributions.

As a basis for its finding, the Commission notes that there were press reports regarding the PACs status but offers no proof nor makes any other allegations that the Walker campaign had either been aware of this article or received any other formal notification that this status of these two PACs was presented any legal issues for the Walker campaign.

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Further, it is our understanding that this matter was generated in November 2002 by a complaint filed by the National Legal and Policy Center. At the time of the receipt of this complaint, the Commission had information in its possession to demonstrate that the Walker campaign had received contributions from both PAC to the Future and Team Majority. However, in violation of 2 U.S.C. § 437g(a)(1), the Commission failed to notify the Walker campaign that a complaint had been filed in this matter. Further, for that same reason, there is no indication on this record that, until the Commission's letter of September 4, 2003, the Walker campaign had any notice that the campaign had received an excessive contribution. For both reasons, the Commission's finding of reason to believe in this matter is contrary to law and in violation of the Federal Election Campaign Act.

Notwithstanding the above, the committee has an obligation to disgorge or refund any contribution that is in excess of the limits prescribed by the Act. Therefore, the Walker campaign intends to disgorge \$5,000 to the United States Treasury as soon as possible. However, it should be noted that the campaign currently has less than \$100.00 in its campaign account and Charles Walker is owed in excess of \$72,000 from loans to the campaign. At this time, the Walker campaign has no prospect of raising any additional funds and Mr. Walker has does not expect to recoup these funds. Furthermore, Mr. Walker does not currently have the personal funds nor does his current cash flow situation to allow him the opportunity to make immediate payment to his campaign to in order to make the necessary disgorgement.

Accordingly, the Walker campaign requests one of the following dispositions to this matter: (1) Permit the Walker campaign to seek a redesignation of either the General election contributions for PAC to the Future or Team Majority contributions to debts currently outstanding for his Primary-Runoff campaign since neither PAC has made a contribution to that election, or (2) enter into an agreement with the Walker campaign so that the disgorgement be accomplished through a mutually agreeable payment plan. However, based upon the above, the Commission should not hold the Walker campaign liable for any civil penalty based upon the failure of the Commission to provide Mr. Walker with notice of the existence of this matter, as well as Mr. Walker's current financial situation.

I look forward to discussing this matter further with you. Please contact me at (202) 479-1111 at your earliest convenience.

Respectfully submitted,



Neil P. Reiff

Attorney for Respondents Committee to Elect
Charles Walker for Congress and Lourdes Gomez,
as Treasurer.

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